



Docket No. ETH5117

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Walter R. Laredo et. al.
Serial No. : 10/741,511 Art Unit: 1623
Filed : December 19 2003 Examiner: Peselev, Elli
For : **MODIFIED HYALURONIC ACID FOR USE IN
MUSCOSKELETAL TISSUE REPAIR**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

Your Petitioner, ETHICON, INC., a corporation of the State of New Jersey, represents that it is the Assignee of the entire right, title and interest in and to the subject matter disclosed in the above-captioned patent application. ETHICON, INC. is the owner of U.S. Patent Application Serial No. 10/741,511, filed December 19, 2003 as evidenced by the attached copies of documents sent on April 14, 2004 for recording in the United States Patent and Trademark Office.

Your Petitioner, ETHICON, INC. hereby disclaims, under the provisions of 35 USC 253 and 37 CFR 1.321 and 3.73, the terminal part of any patent granted on application Serial No. 10/714,511 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 of any patent granted on pending application Serial No. 10/742,136. Petitioner, ETHICON, INC. hereby agrees that any patent granted on application Serial No. 10/714,511 shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to any patent granted on the second application Serial No. 10/742,136, this agreement to run with any patent

granted on application Serial No. 10/714,511 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Petitioner, ETHICON, INC., does not disclaim the terminal part of any patent granted on the instant patent application Serial No. 10/714,511 that would extend to the expiration date of the full statutory period as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application Serial No. 10/742,136 in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certification, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

The Terminal Disclaimer fee set forth in 37 CFR 1.20(d) and any additional fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/ETH5117/MSG. Three copies of this sheet are enclosed.

Signed at New Brunswick, New Jersey this 13th day of June, 2005

Respectfully submitted,

ETHICON, INC.

/Matthew S. Goodwin/

Matthew S. Goodwin
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Date: June 13, 2005